



**TOWN OF WINCHESTER ZONING BOARD OF APPEALS**  
**Town of Winchester Town Hall, 338 Main Street**  
**2<sup>nd</sup> Floor – P. Francis Hicks Room**  
**January 28, 2020 – 7:00PM**  
**Regular Meeting Minutes**

Phillip Allen called the meeting to order at 7:03PM.

**1. ROLL CALL:**

Mr. Allen noted that the following individuals were present in addition to himself: Neil Hunt, John Massicotte, John Pollack, and Alternate Paul Marino.

It was noted that Hal Wilkes, and Alternate Aubrey English were absent excused. Mr. Marino was seated for Mr. Wilkes.

Also, present for this meeting was Zoning Enforcement Officer/Building Official Marc Melanson.

**2. EXPLANATION OF PROCEDURE:**

Mr. Allen explained that an approval from this Board requires four affirmative votes. Accordingly, Mr. Allen also explained that the applicants were entitled to a vote before five seated members.

**3. PUBLIC HEARINGS – VARIANCE APPLICATIONS & DECISIONS:**

**A. ZBA #19-5231 Special Exception Location: 146 Shore Drive Applicant: Anthony Anzellotti, Trustee of Barbara Anzellotti Family Trust Owner: Barbara Anzellotti Family Trust Proposal: Special Exception for Fences and Wall.**

It was noted that Attorney Bill Conti had emailed a request to continue this application to the following meeting.

**MOTION:** Mr. Allen, Mr. Hunt second, to continue Application ZBA #19-5231 to the next regular meeting scheduled for February 25, 2020; unanimously approved.

**B. ZBA #20-5232 Special Exception Location: 730 Lak Drive Applicant: Bryan Southergill and Grace Southergill Owner: Able Sentry Limited Proposal: Accessory Apartment.**

Gary Beecher appeared before the Board regarding this application. He distributed copies of a revised plan, noting the bathroom on the first floor that had originally been proposed was changed to storage. He explained that Mr. Melanson noted that if this had not been changed, the living space would have been greater than the 900 square foot maximum that is allowed by the Zoning Regulations.

Mr. Beecher explained that his clients had originally not intended to create this use until years from now. He noted though that it had made more sense to him to rough in the plumbing and the bathroom now.

Mr. Massicotte questioned whether a variance had been granted for this property. It was confirmed that there had. Mr. Allen questioned whether it had included any exclusions to living space.

Mr. Pollack noted that the Zoning Regulations indicate that the owner of the property must occupy one of the units as their primary residence. He questioned who was living at the subject property now. Mr. Beecher indicated that it was Bryan and Grace Southergill. Mr. Pollack questioned where their principal residence was. Mr. Beecher noted that Hong Kong was their principal residence.

The hearing was open to the public.

Candy Perez, of 605 West Wakefield Boulevard, addressed the Board regarding this application. Before she did, she prefaced her comments to make it clear that her opinions were her own as a resident. Ms. Perez questioned whether rental units were allowed in the Highland Lake zone. She noted that as a resident on the lake, she had concerns with density in this area and whether that could impact water quality. Ms. Perez reminded the Board that variances run with the land.

Mr. Beecher explained that his clients were seeking to eventually move here permanently.

The hearing was closed to the public.

**MOTION:** Mr. Hunt, Mr. Marino second, to grant a Special Exception for Application #20-5232 to allow for a detached Accessory Apartment in addition to the primary single-family residence, per the drawings submitted, for the property located at 730 Lake Drive; Motion failed with Mr. Allen, Mr. Hunt, Mr. Marino, Mr. Massicotte, and Mr. Pollack opposed.

It was noted that the reason for the denial was because the property was not the primary residence.

**C. ZBA #20-5233 Variance Location: 122 East Wakefield Boulevard Applicant: Matthew Closson Owner: Donald Crossman and Brooke Crossman Proposal: Add Dormer and Cover Existing Deck.**

Matthew Closson appeared before the Board as the contractor on the project. He reported that his customer is seeking to propose a dormer on the lake side of his property as well as construct a roof over the existing deck. Mr. Closson noted that the existing 24'x10' deck has a concrete slab underneath. He noted that the deck will slightly encroach on the north side of the property.

Mr. Allen questioned the hardship. Mr. Closson noted that the request was only for a three inch encroachment.

The hearing was open to the public. No comment was received.

**MOTION:** Mr. Hunt, Mr. Marino second, to approve a variance application #20-5233, for a variance from Section II.G.b.ii, for a northwest side yard setback variance of thirty feet and a northeast side yard setback variance of 20.5 feet, for the purpose of building a 10'x24' deck on the rear of the house and proposed roof over the existing deck, as per the drawings submitted, for the property located at 122 East Wakefield Boulevard; unanimously approved.

**D. ZBA #20-5234 Variance Location: 609 East Wakefield Boulevard Applicant: Matthew Closson Owner: Cheri Closson Proposal: Construct 32'x36' Garage with 576' Square Foot Accessory Apartment Above.**

Mr. Closson appeared before the Board, noting that the owner was his wife. He provided copies of an updated survey and an updated second floor plan showing the egress. Mr. Closson noted that the updated survey included topography, too.

Mr. Hunt questioned what the neighbors think of constructing a proposed garage two feet from the property line. Mr. Closson explained that the parcel is vacant and is part of a large parcel that had been part of a proposed golf course. He noted that he had provided notice to all of the abutting neighbors and have not heard from them. Mr. Pollack questioned how large that other parcel was. Mr. Closson estimated it to be 450 acres.

Mr. Closson noted that ledge wraps around his property and that his well is located on the other side of his yard. Mr. Pollack questioned whether any of the neighbors had sent letters about the proposal. It was noted that none had been received.

Mr. Massicotte questioned whether the building's roof had any type of overhang. Mr. Closson noted that there is likely a six-inch overhang. Mr. Massicotte questioned how that side of the garage would be maintained being two feet from the boundary line. Mr. Closson agreed that it would be a challenge.

The hearing was open to the public. No comment was received. The hearing was closed.

**MOTION:** Mr. Hunt, Mr. Marino second, to approve variance Application #20-5234, for a variance from Section II.G.b.ii, for a north side yard setback variance of 32.8 feet, for the purpose of building a 32'x36' two story garage, as per the drawings submitted, for the property located at 609 East Wakefield Boulevard; Motion approved with Mr. Allen, Mr. Hunt, Mr. Marino, and Mr. Pollack voting aye while Mr. Massicotte opposed.

The reason cited for the approval was that the Board found it to be a reasonable request.

**E. ZBA #20-5235 Special Exception Location: 609 East Wakefield Boulevard Applicant: Matthew Closson Owner: Cheri Closson Proposal: Accessory Apartment over Garage.**

Mr. Closson explained that the request is for a small second-floor accessory apartment to include a bedroom, a bathroom, and a small kitchenette. He noted that the back of the structure will be storage.

Mr. Marino questioned how a kitchenette is defined. Mr. Melanson agreed that it would include a refrigerator and a stove. Mr. Closson explained that the accessory apartment will likely be used by teenagers and guests.

Mr. Marino questioned the square footage. Mr. Closson indicated it to be 576 square feet.

The hearing was open for comment. No comment was received. The hearing was closed.

**MOTION:** Mr. Hunt, Mr. Pollack second, to grant a Special Exception for Application #20-5235 to allow for a detached Accessory Apartment in addition to the primary single-family residence, per the drawings submitted for the property located at 609 East Wakefield Boulevard; unanimously approved.

**F. ZBA #20-5236 Variance Location: 262 Perch Rock Trail Applicant: Matthew Closson Owner: Felix Viner Proposal: Construct 28'x12' Deck.**

Matthew Closson appeared before the Board, accompanied by his customer Felix Viner, regarding this application. He provided copies of the updated survey on this property. Mr. Closson reported that he had constructed this home in 2005 and noted that there had been a variance granted for this property previously. He explained that a deck had not been proposed at that time which was the reason a modification of the variance was now necessary. Mr. Closson confirmed that surface coverage that was approved was 23% but the existing conditions of the lot have a coverage of 44.3%.

Mr. Pollack reported that he had visited the site and observed the home to be large and questioned whether a deck this large was necessary. Mr. Closson noted that the deck will not encroach any more on the north side of the property.

Mr. Allen questioned whether the patio down by the water was part of this application. Mr. Closson indicated that it was not.

The hearing was open to the public. No comment was received. The hearing was closed.

**MOTION:** Mr. Hunt, Mr. Pollack second, to approve Variance application #20-5236, for a modification to Variance #04-4890 for an additional lot coverage variance of 21.3% and to add a deck, for the purpose approving the additional lot coverage of the paved driveway, patio and walk and also building a 12'x32 deck with stairs on the rear of the house, as per the drawings submitted, for the property located at 262 Perch Rock Trail; Motion failed with Mr. Allen, Mr. Hunt, and Mr. Marino voting in favor while Mr. Massicotte and Mr. Pollack were opposed.

**G. ZBA #20-5237 Variance Location: 407 East Wakefield Boulevard Applicant: Matthew Closson Owner: Bjorgvin Fridiksson Proposal: Install Bathroom in Lakeside Shed.**

Matthew Closson appeared before the Board as the contractor for the proposed project. He reminded the Board that a variance had been received for the shed in October, 2019. Mr. Closson explained that his customer has two daughters, and that in speaking with the two neighbors to the north of him, learned that they both had bathrooms in their boat houses.

Mr. Hunt questioned whether there was city water and city sewer available for that location. Mr. Closson noted that his customer's home has well water and city sewer. Mr. Allen questioned what the hardship was. Mr. Closson noted that they were only seeking a toilet and a sink in the shed.

Mr. Marino questioned how many grinder pumps there are in that area on that side of the road. Mr. Closson noted that there were pumps at the 402 West Wakefield Boulevard and the property opposite 405 West Wakefield Boulevard. Mr. Marino questioned whether these properties are homes with Certificates of Occupancy. Mr. Closson indicated that they were not. He explained that if approval is granted on this application, then the plan is to do a road crossing and connect to the residence across the street and utilize an injector pump.

Mr. Pollack questioned what could result if the shed was not winterized. Mr. Closson noted it would be similar to any other seasonal house on the lake.

The hearing was open to the public.

Candy Perez, of 605 West Wakefield Boulevard, addressed the Board regarding this application. Before she did, she prefaced her comments to make it clear that her opinions were her own as a resident. Ms. Perez opposed the proposal, noting that Highland Lake is a natural lake, and opined that the parcel that this shed is on is likely a man-made lot noting that the shoreline in this area was extended out into the lake. She questioned whether the toilets on the other two parcels referenced were properly permitted.

Mr. Closson concluded his remarks by reminding the Board that the system would be contained and would therefore avoid contamination from across the street.

**MOTION:** Mr. Hunt, Mr. Massicotte second, to approve variance application #20-5237, for a modification to variance #19-5227 to allow habitable space in an existing shed, for the purpose installing a bathroom in an existing shed, as per the drawings submitted, for the property located at 407 West Wakefield Boulevard; Motion failed with Mr. Allen, Mr. Hunt, Mr. Marino, Mr. Massicotte, and Mr. Pollack opposed.

**H. ZBA #20-5238 Variance Location: 376 East Wakefield Boulevard Applicant: Matthew Closson Owner: Ken Albino Proposal: Cover Existing Deck and Construct New Decks.**

Matthew Closson appeared before the Board on behalf of his customer Ken Albino. Mr. Closson provided updated drawings. He noted that the proposal is for construction of a deck in the rear of the house, noting that the existing deck would be increased along the whole front and then be enclosed. He noted that the two proposed new lower decks would be withdrawn from the request. Mr. Closson reported that the request for a covered walkway and a pergola have been withdrawn.

Additionally, Mr. Closson noted that a pervious paver system is proposed for under the existing deck and to be installed down by the water's edge. With replacement of impervious surfaces with pervious materials and a reduction in the existing driveway, the coverage would not increase, according to Mr. Closson.

Mr. Closson provided letters supporting the proposal from the following property owners:

- Heather Dzielak of 326 East Wakefield Boulevard;
- Tony and Debbie Sandonato of 364 East Wakefield Boulevard;
- Jeff and Anne Lippincott of 402 East Wakefield Boulevard; and
- William Fox of 372 East Wakefield Boulevard.

Mr. Closson noted that a letter from Clare Stevens of 374 East Wakefield Boulevard had questioned the validity of the garage. He explained that he believed that the garage was originally constructed in 1987.

Mr. Pollack questioned whether this property had ever been the subject of another variance. Mr. Closson reported that he was unsure as his customer had only purchased it recently.

Mr. Marino questioned whether the deck was being increased 3½' closer the water. Mr. Closson confirmed.

Mr. Allen questioned the hardship, wherein the application puts forth that the topography makes it impossible to enjoy the land. Mr. Closson noted that it is rather tough to use the deck and sit directly in the sun and that it is a rather tough lot to move around.

Jen Perga of 378 East Wakefield Boulevard explained that she is the neighbor directly to the south of this property. She noted that she had not had the opportunity to review the updated plans and requested a continuance of the public hearing for an opportunity to review them.

Mr. Closson noted that he had no objection to continuing the hearing.

**MOTION:** Mr. Massicotte, Mr. Hunt second, to continue the public hearing to the February 25, 2020 regular meeting; unanimously approved.

**4. OLD BUSINESS:**

None.

**5. APPROVAL OF MINUTES – NOVEMBER 26, 2019:**

**MOTION:** Mr. Marino, Mr. Hunt second, to approve the November 26, 2019 Minutes; Motion passed with Mr. Allen, Mr. Hunt, Mr. Marino, and Mr. Pollack in favor while Mr. Massicotte abstained.

**5. BILLS PRESENTED:**

None.

**6. CORRESPONDENCE:**

It was noted that a correspondence had been received regarding an upcoming bridge replacement from DPW Director Jim Rollins.

**7. OTHER BUSINESS:**

Mr. Pollack questioned whether an accessory apartment was going into the addition at 674 East Wakefield Boulevard. Mr. Melanson indicated that there has been no CO issued for this space yet. He confirmed that he would inspect it when a CO is requested. Mr. Melanson noted that there is no plumbing in that space above the garage.

Mr. Pollack questioned whether the Town is reviewing 543 East Wakefield Boulevard as he has observed an extraordinary amount of ice in the road at this location and had observed the property owners shoveling the ice off the road recently. He noted that there is drainage discharging water out into the road. Staff reported that the Inland Wetlands and Watercourses Commission had been discussing and monitoring this property.

**8. DISCUSSION WITH ZONING ENFORCEMENT OFFICER:**

None.

**9. ADJOURNMENT:**

**MOTION:** Mr. Hunt second, to adjourn at 8:46PM; unanimously approved.

**Respectfully submitted,  
Pamela A. Colombie  
Recording Clerk**